

(iii) *Commercial passenger vehicle.* Any motor vehicle carrying passengers for hire.

(iv) *Official vehicle.* Any motor vehicle while used on official business of the U.S. Government, the State of New York, the County of Suffolk and of towns, villages, and communities situated on Fire Island.

(v) *Public utility vehicle.* Any vehicle owned or operated by a public utility or a public service company enfranchised or licensed to supply Fire Island residents with electricity, water, or telephone service.

(vi) *Service vehicle.* Any vehicle owned or operated by or on behalf of an individual, partnership, or corporation engaged in the business of furnishing construction, maintenance, or repair services, including, but not limited to, building, plumbing, installation or repair of household appliances, carpentry, painting, landscaping, garbage collection and delivery service.

(vii) *Emergency vehicle.* Any hearse, fire engine, and any motor vehicle (including commercial passenger vehicles), while engaged in transporting, or bringing medical assistance to sick, injured, aged, or infirm persons.

(viii) *School bus.* Any motor vehicle owned or operated by or on behalf of a school district or other public or private entity maintaining elementary or secondary schools, while in use for transporting elementary or secondary school children to and from school activities.

(ix) *Dune crossing.* An access way over a primary or transverse dune designated and marked as a dune crossing.

(x) *Superintendent.* The Superintendent of the Fire Island National Seashore or his authorized representative.

(2) *Permits.* No motor vehicles, other than official vehicles, emergency vehicles, and school buses, shall be operated across Seashore lands, except under permit issued by the Superintendent.

(i) No permit shall be issued for any motor vehicle having a carrying capacity in excess of 1 ton: *Provided*, That application may be made to the Superintendent for a special trip permit for a vehicle of greater capacity to carry heavier loads for which water transportation is not feasible or available.

(ii) No permit shall be issued for any motor vehicle not equipped, in the judgment of the Superintendent, to travel over sand.

(iii) Permits may be issued for periods of 1 day or longer, depending upon the reasonable requirements of the applicant, but not to extend beyond December 31 of the year of issuance.

(iv) The Superintendent is authorized to establish a system of permits consistent with the requirements of these regulations. Permits shall be displayed at all times in such manner as to be readily visible on any motor vehicle.

(3) *Authorized and prohibited travel.* (i) Travel by official vehicles and emergency vehicles shall be permitted on Seashore lands at all times.

(ii) Travel by public utility vehicles and service vehicles over Seashore lands

during the period May 1 to October 1, except in an emergency as determined by the Superintendent, shall be restricted to the hours between 8 p.m. of one day and 10 a.m. of the following day except that such vehicles shall not be permitted to travel over such lands between 10 a.m. on Saturday and 6 p.m. on the following Sunday.

(iii) Except as hereinafter provided, during the period May 1 to October 1, travel by all other motor vehicles on Seashore lands east of Robert Moses State Park to the westerly boundary of Smith Point County Park is prohibited.

(iv) Travel by motor vehicles, except official vehicles, emergency vehicles and school buses, across Seashore lands within that area extending from the easterly boundary of Ocean Ridge and the westerly boundary of Smith Point County Park is prohibited at all times: *Provided*, That owners and occupants of houses situated therein, their guests and business invitees may be issued special access permits by the Superintendent to afford them ingress and egress by motor vehicle via Smith Point County Park.

(v) All motor vehicles having a valid permit may be operated at all times on Seashore lands lying between the westerly boundary of Smith Point County Park and Moriches Inlet.

(4) *Rules of travel.* (i) So far as practicable, vehicles shall be operated in established tracks. When two vehicles approach from opposite directions in the same track, the operator with the water to his left shall yield by turning out of the track.

(ii) No vehicle shall be parked closer than ten (10) feet or farther than twenty (20) feet from the established track or designated route.

(iii) No person shall operate a motor vehicle on Seashore lands at a speed greater than is reasonable and prudent, having regard to the safety and welfare of others, and to the objective of causing minimum damage to beach or other areas in which such vehicle is operated, and not in any event to exceed twenty-five (25) miles per hour.

(iv) No motor vehicle shall be operated on any portions of a dune except at posted dune crossings.

(v) The Superintendent may designate routes of travel across Seashore lands by the posting of appropriate signs. Where routes are so designated, vehicles shall be operated only within the designated routes.

(vi) No motor vehicle shall be operated by other than the holder of a valid operator's license.

(vii) No person who is under the influence of intoxicating liquor shall operate a motor vehicle on Seashore lands.

(viii) In an emergency, the Superintendent may suspend, for such period or periods as he shall deem advisable, any or all of the foregoing restrictions on vehicular travel, and he may announce such suspension by whatever means are available. In the event of high winds and waves, storms, or other adverse weather conditions, the Superintendent shall close all or any portion of the Seashore lands to vehicular travel for such period as he shall deem advisable in the interests of public safety.

shore lands to vehicular travel for such period as he shall deem advisable in the interests of public safety.

(5) *Violations.* The Superintendent may suspend or revoke any permit for violation of any of the foregoing regulations.

[F.R. Doc. 67-8562; Filed, July 21, 1967; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 926]

[Docket No. AO 135-A6]

TOKAY GRAPES GROWN IN SAN JOAQUIN COUNTY, CALIF.

Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect to Proposed Amendment of the Marketing Agreement, as Amended, and Order, as Amended

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendment of the marketing agreement, as amended, and order, as amended (7 CFR Part 926), regulating the handling of Tokay grapes grown in San Joaquin County, Calif., hereinafter referred to collectively as the "order." The order is effective pursuant to provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601-674), hereinafter referred to as the "act."

Interested persons may file written exceptions to this recommended decision with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after publication of this recommended decision in the *Federal Register*. Exceptions should be filed in quadruplicate. All such communications will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The public hearing on the record of which the recommended amendment of the order was formulated was held in Lodi, Calif., on June 1, 1967, pursuant to a notice thereof which was published in the *Federal Register* on May 10, 1967 (32 F.R. 7089). The notice contained amendment proposals which had been submitted to the Secretary of Agriculture by the Industry Committee, the administrative agency for the order.

Material issues. The material issues presented on the record of the hearing were concerned with amending the order to:

(1) Authorize the committee, with the approval of the Secretary, to prescribe rules, regulations, and safeguards deemed

necessary to assure that grapes marketed as premium quality grapes meet the prescribed requirements for such grapes;

(2) Authorize the committee to borrow money;

(3) Authorize the establishment and maintenance of a reserve in an amount equal to approximately one season's operational expenses;

(4) Revise the provisions of the order with respect to marketing research and development projects to authorize any form of marketing, promotion, including paid advertising; and

(5) Make conforming changes.

Findings and conclusions. The following findings and conclusions on the material issues, all of which are based on the evidence adduced at the hearing are as follows:

(1) The order should be amended as hereinafter set forth to authorize the committee, with the approval of the Secretary, to prescribe rules, regulations, and safeguards deemed necessary to assure that grapes designated and marketed as conforming to the requirements prescribed for premium quality grapes shall meet or exceed the requirements established for such grapes. Testimony adduced at the hearing indicates that there is a place in the market for premium packs of Tokay grapes. Such premium quality grapes will, when marketed with grapes of a lower quality, provide consumers with a choice as to which quality grape they will purchase. Confronted with this choice, consumers can reasonably be expected to buy more Tokay grapes than would be purchased when grapes of only one quality are offered. Premium quality grapes can reasonably be expected to sell for a higher price than lower quality grapes and without lowering the price of grapes which are not of premium quality. This price situation should result in an increase in growers' total returns. The order presently contains authority which permits the committee to prescribe the requirements as to grade, size, pack, and container for premium quality grapes. Such authority was for the purpose of identifying premium quality grapes so that such grapes could be exempt from volume regulations. Such authority has not been used, however. There is need to provide additional authority in the order governing the handling of premium quality grapes that are marketed in fresh form. Without such authority, handlers could freely market grapes depicted to be of premium quality when the grapes were actually of a lower quality. Such unfair competitive practice would advantage such handler, at least initially, over all other handlers in that such sales would probably be at higher prices. Because such grapes were of a quality below premium quality, consumers would probably not be satisfied with such grapes and would tend to refuse to buy additional quantities of Tokay grapes or buy grapes of standard quality and at the lowest price. Thus, the elimination or curtailment of this unfair trade practice would benefit the entire industry, would encourage more or-

derly marketing, increase the total quantity of fresh Tokay grape sales, increase total returns to growers, and be in the public interest.

The first step necessary to accomplish this objective is to provide authority for the Secretary to prescribe the requirements which premium quality grapes marketed in fresh form must meet or exceed. Record evidence clearly shows that the committee can recommend to the Secretary, and the Secretary issue, appropriate requirements which will provide the basis for easy identification of premium quality grapes. Through rules and regulation procedure the Secretary, on recommendation of the committee, should be authorized to establish procedure and methods of handling, including inspection and identification of premium quality grapes, that will permit handlers to market such grapes separately and distinctly from all other packs of grapes. Such authority for implementing regulations also should permit the delineation of what constitutes marketings as premium quality grapes, including, but not limited to, what constitutes a representation that grapes are of premium quality. This may be necessary to prevent evasion of the regulation by the use of descriptive terms other than "premium quality" which, nevertheless, may connote, represent, or imply that the grapes are of premium quality. Such procedure would not preclude, however, the marketing of packages of premium quality grapes with packages of grapes not identified as premium quality.

The prescribing of requirements for premium quality grapes by the Secretary and the issuance of rules and regulations with respect to procedure and method of handling premium quality grapes does not impose restrictions on any handler unless he chooses to pack and market a portion of his grapes in conformance with such requirements. The decision as to whether to pack to and request inspection on the basis of the established requirements for premium quality grapes is made by each handler for each lot of grapes. A portion of each lot of grapes can reasonably be expected to meet the requirements of premium quality grapes if good cultural, harvesting, and packing practices have been followed. The portion of a lot of grapes that may be marketed as premium quality grapes can reasonably be expected to return more money than a quantity of grapes packed to a lower standard. Should a handler pack to the premium quality requirements and upon inspection it was determined that such grapes did not meet the established requirements for premium quality grapes, the handler could, if such grapes met or exceeded the minimum grade requirement of the regulation in effect, market such grapes in the same manner as presently. Thus, the making available of a premium quality grade for use by any handler desiring to market grapes on such basis should increase the sales of Tokay grapes and improve returns to the growers. The order should be so amended.

(2) The provisions of the order relating to assessments should be amended to authorize the committee to borrow

money. The season for Tokay grapes begins April 1 of each year and the shipment of grapes usually begins about the first of September. Thus, there is a period of approximately 5 months during which the committee will be incurring expenses prior to the time when assessment income from the current crop is available. During this period the committee will probably be engaged in its greatest activity. It will be surveying the crop to estimate the production and quality, establishing its marketing policy, and determining regulations that should be in effect for the season. Even though there is a proposal to establish and maintain a reserve in an amount not to exceed approximately one fiscal year's operational expenses, it was testified at the hearing that it may be desirable for the committee to borrow money and the order should be amended to authorize the committee to do so. While it is not expected that the committee will likely need to borrow money soon, the order should provide authority so that the committee's activities will be as flexible as possible to administer the provisions of the order. Therefore, the order should be amended to permit the committee to borrow money should it need to do so.

(3) In the operation of the order, the Industry Committee has found that the accumulation and maintenance of a financial reserve from excess assessment funds is a good business practice and contributes to efficient financial management in that it lessens the need for borrowing money and refunding any excess assessment money to handlers. The fund was established through rule making procedures on recommendation of the committee and with the approval of the Secretary. Such reserve should be covered by a specific provision of the order. The evidence of record shows that the reserve should be available to cover any expenses authorized under the order, including (i) expenses incurred during the preharvest period before assessment income is received, (ii) deficits incurred during any season when, as a result of miscalculation or crop failure or partial crop failure, assessment income is insufficient to cover expenses, (iii) a deficit is deliberately incurred so as to reduce the reserve, (iv) any expenses incurred during a period of suspension of any part or all of the order, and (v) costs of liquidation.

The rules and regulations establishing the reserve fund limit the amount that may be in the reserve to \$20,000 and permits the transfer of not to exceed 10 percent of the season's annual budget to be placed in the reserve. Presently, the amount in the reserve is well within the prescribed limits.

Source of funds has been from excess assessments, and this should continue to be the source of such funds. However, the restrictions of \$20,000 should be changed to an amount equal to approximately one season's operational expenses and the restriction that funds not to exceed 10 percent of one season's annual budget may be placed in the reserve should be eliminated. Record evidence

shows that with the anticipated authority for any form of marketing promotion, including paid advertising, the committee's expenses are likely to be increased substantially. To effectively advertise considerable advanced planning, including obligation of expenses, is necessary. Thus, the amount of \$20,000 may not be adequate. It is desirable that the amount in the reserve be maintained approximately at or below the expenses for one season. However, the order should permit the transfer of any excess assessment funds on hand at the end of any season into the reserve if, at that time, the reserve does not exceed approximately 1 year's expenses. It is not possible to estimate with exact precision the committee expenses, the total production of the crop or the quantity of such production that will be subject to assessments. Should one or more of these estimates be incorrect, the committee could have excess assessment funds that would have to be credited to handler accounts or paid to such handlers. With the reserve fund procedure in effect, there is little likelihood of any large excess assessment funds being on hand at the end of any season because the committee could adjust the assessment rate downward whenever the amount in the reserve approaches one season's expenses. For the same reason, the committee will probably never refund or credit excess assessment to handlers, although such provision should be in the order.

The reserve procedure is equitable to all concerned. Those who pay the assessment; namely, the handlers, usually are in a lifetime occupational pursuit and there is not frequent change in the identity of the person involved. Vines cannot be pulled and replaced rapidly as is the case with row crops and vineyards are not frequently sold. Under the reserve procedure, those who might pay slightly more than their proportionate share of the operating cost of the program in any given year are the same people who will benefit in a year of reduced assessments.

Upon termination of the order, reserve funds that are not needed for liquidation should be disposed of by returning them pro rata to those who contributed or by disposition in any other manner determined by the Secretary to be appropriate. Because the sums to be returned may be too small to justify the administrative expense of proration, or because of the time involved since their receipt, it might be impractical to return them to the contributors. Hence, the authorization for appropriate disposition by the Secretary.

(4) The provisions of the order which authorize the committee to establish or provides for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of Tokay grapes should be amended to provide for any form of marketing promotion, including paid advertising. Tokay grapes are marketed in a highly competitive situation. They compete for shelf space and retail attention with a host of fresh and processed fruits, many of which are nationally advertised

and promoted. Hence, authority for expanded promotional activities, including paid advertising, is needed in the order so the committee will possess the means to strengthen the position of Tokay grapes and to maintain or expand sales as the situation warrants.

The authority under the order for promotional programs, including paid advertising, for Tokay grapes should be broad and flexible, and available to the extent permitted under the act to facilitate timely development of programs suitable to the circumstance. Campaigns to expand demand and expansion of sales in low consumption areas would necessarily involve techniques designed to obtain such results. Stimulation of demand and expansion of sales in areas where Tokay grapes are already being used in volume, and where the objective would be to obtain a quick response, may need to employ different techniques. Thus, the committee should have the authority to decide, subject to the approval of the Secretary, the particular types of advertising and publicity or promotion projects that should be employed, singly or in combination, to obtain its objective. Such projects should include but not be restricted to such promotional techniques as publicity, education, merchandizing, dealer service work, and newspaper, radio, television, and magazine advertising as may be necessary considering the circumstances existing during the particular season or anticipated in future seasons.

Publicity and education involves suggestions for serving Tokay grapes, product information stories, recipes, and photographs designed to capture the attention of food page editors and stimulate their use in food page copy.

Merchandizing usually involves the development and distribution of attractive point of purchase material, recipe folders, brochures which identify the commodity and give information about it, or bulletins on handling and display methods. It may or may not employ the use of dealer service personnel to work with wholesalers and retailers to encourage them to feature the commodity. Merchandizing may also involve the staging of sales contests, in which wholesale and retail sales personnel are rewarded for outstanding displays or increased sales. Trade paper advertising usually is for the purpose of announcing the availability of the product. Its use may be necessary in gaining the editorial support of such papers which is generally accorded an advertiser.

Spot radio announcements have been found to have considerable value in gaining retailer support. Such announcements may be tied in with advertising financed by the retailer, thus enhancing the overall effect.

Television, network radio, and magazine advertising are relatively expensive. Such should probably be considered for Tokay grapes in a joint venture with one or more partners whose products may be used in recipes, salads, fruit bowls, or otherwise featured in ways that are complementary to Tokay grapes. Sharing costs will extend the reach of the Tokay

advertising program. The attractive color and catchy description—Flame Tokay—should be featured in color advertising media.

Any work in connection with marketing promotion, including paid advertising, should be submitted to the Secretary for his approval in the form of a project. While the committee is considering this matter and making its decision with respect thereto, it should give consideration to the following factors along with other factors which it considers pertinent: (1) The expected supply of Tokay grapes and the market requirements; (2) the supply and quality of competing fruits, and (3) the need for any marketing development activity and any tie-in with USDA's Plentiful Foods Program that may be available.

At the conclusion of each season during which the committee has engaged in a project pursuant to this section, it should make an appraisal of each such project and prepare a summary report of the status and accomplishments to its members and the Secretary. Such report should be of assistance to the committee in making plans for the continuation of such project.

In establishing and refining its objectives, the committee should be authorized to consult not only with those persons who are familiar with the marketing of Tokay grapes but also those who have knowledge and experience in promotional research and in the conduct of promotional and advertising programs so that it may conduct its program in the most advantageous manner possible. The committee should be authorized to conduct promotional and advertising work directly or, if deemed advantageous to it, to contract with or otherwise utilize other agencies or persons for the conduct of such work. The committee should, of course, supervise the performance of any person or agency it may so utilize to assure that the work performed is in accord with the plan of the committee.

The funds to cover the cost of any promotional program, including advertising, should be obtained by levying assessments on shipments of grapes in the same manner that such are levied to finance the administrative and other costs of the committee. Likewise, the anticipated expenses of advertising and promotion should be included in the budget of expenses submitted to the Secretary for his approval. Such expenses should include costs which may be incurred in the planning and development of the promotional programs, including the cost of any consulting services necessary. While the program should be submitted to the Secretary for his approval in the form of a project, it is recognized that considerable study and planning are involved in the determination of such a project, hence the incurring of expenses in connection with such development should be authorized on the basis of budgetary approval prior to the time such project is submitted. To facilitate the greatest degree of flexibility in the planning and conduct of promotional activity, including advertising, the reserve fund should be available to cover the

costs of such activity in the manner that such reserve is available for use in covering any other cost under the order.

The inclusion of authority to engage in advertising should not lessen the need for other forms of research projects designed to assist, improve, or promote the marketing, distribution, or consumption of Tokay grapes. Rather, the inclusion of advertising could open up areas where research would be needed. For example, the committee may want to institute a research project to evaluate the effects of advertising, or to ascertain the most desirable approach to the advertising of Tokay grapes and the order should contain such authority.

(5) The amendment heretofore recommended will make it necessary to make certain conforming changes in §§ 926.50 and 926.51. The conforming changes will make clear the responsibility of the committee with respect to its recommendation concerning premium quality grapes and the manner in which the Secretary issues regulations for such grapes. Such will tie-in and clarify rules and regulations of the committee with respect to such grapes.

Findings on proposed findings and conclusions. June 14, 1967, was set by the Presiding Officer at the hearing as the latest date by which briefs would have to be filed by interested persons with respect to facts presented in evidence at the hearing and the conclusions which should be drawn therefrom. No brief was filed.

General findings. Upon the basis of the evidence adduced at the hearing, and the record thereof, it is found that:

(1) The marketing agreement, as amended and as hereby proposed to be amended, and the order, as amended and as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The marketing agreement, as amended and as hereby proposed to be amended, and the order, as amended and as hereby proposed to be amended, regulate the handling of Tokay grapes grown in the designated production area in the same manner as, and are applicable only to persons in the respective classes of industrial or commercial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The marketing agreement, as amended and as hereby proposed to be amended, and the order, as amended and as hereby proposed to be amended, are limited in their application to the smallest regional production area that is practicable consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of Tokay grapes grown in the production area which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of Tokay grapes grown in the designated production area

is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Recommended amendment of the amended marketing agreement and order. The following amendment of the amended marketing agreement and order is recommended as the detailed means by which the aforesaid conclusions may be carried out:

1. Add to § 926.17 a final sentence to read as follows:

§ 926.17 Premium quality grapes.

*** The committee, with the approval of the Secretary, shall prescribe rules, regulations, and safeguards as it may deem necessary to assure that grapes marketed as Premium Quality grapes meet the prescribed requirements for such grapes.

2. Add to § 926.46 *Assessments* a final sentence to read as follows:

§ 926.46 Assessments.

*** In order to provide funds for the administration of the provisions of this part, during the first part of a fiscal period before sufficient operating income is available from assessments on the current season's shipments, the Industry Committee may borrow money for such purposes.

3. Amend § 926.47 *Handler accounts* to read as follows:

§ 926.47 Handler accounts.

(a) If at the end of a season, the assessments collected are in excess of expenses incurred, the Industry Committee, with the approval of the Secretary, may carry over such excess into subsequent fiscal periods as a reserve: *Provided*, That funds already in the reserve do not exceed approximately one season's expenses. Such reserve funds may be used (1) to cover any expenses authorized by this part, and (2) to cover necessary expenses of liquidation in the event of termination of this part. If any such excess is not retained in a reserve, each handler entitled to a proportionate refund shall be credited with such refund against the operations of the following season or be paid such refund. Upon such termination, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided*, That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

(b) The Industry Committee may, subject to the approval of the Secretary, maintain a suit in its own name or in the names of its members for the collection of any handler's pro rata share of expenses.

4. Amend § 926.49 *Research* to read as follows:

§ 926.49 Research.

(a) The committee may, with the approval of the Secretary, establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the

marketing, distribution, and consumption of Tokay grapes. Such projects may provide for any form of marketing promotion, including paid advertising. The expenses of such projects shall be paid from funds collected pursuant to § 926.46.

(b) In recommending projects pursuant to this section, the committee shall give consideration to the following factors:

(1) The expected supply of grapes in relation to market requirements;

(2) The supply situation among competing areas and commodities; and

(3) The need for marketing research with respect to any marketing development activity and the need for a coordinated effort with USDA's Plentiful Foods Program.

(c) If the committee should conclude that a program of marketing research or development should be undertaken or continued pursuant to this section in any crop year, it shall submit the following for the approval of the Secretary:

(1) Its recommendations as to funds to be obtained pursuant to § 926.46;

(2) Its recommendations as to any marketing research projects; and

(3) Its recommendations as to promotion activity and paid advertising.

5. The provisions of § 926.50 are amended to read as follows:

§ 926.50 Recommendation of Industry Committee.

Whenever the Industry Committee deems it advisable (a) to limit the shipment of grapes to particular grades, sizes, packs, or containers, or any combination thereof, or (b) to prescribe the requirements in terms of grade, size, pack, or container, or any combination thereof, for premium quality grapes, and to require that grapes that are handled and designated as conforming to the requirements prescribed for premium quality grapes shall meet or exceed such requirements, it shall so recommend to the Secretary. At the time of submitting any such recommendation, the said committee shall submit to the Secretary the date and information upon which it acted in making such recommendation, including factors affecting the supply of, and the demand for, grapes by grades and sizes thereof, and such other information as the Secretary may request. The said committee shall promptly give adequate notice to the handlers and growers of any such recommendation submitted to the Secretary.

6. The provisions of § 926.51 are amended to read as follows:

§ 926.51 Establishment of regulations.

(a) Whenever the Secretary finds, from the recommendations and information submitted by the Industry Committee, or from other available information, that (1) to limit the shipment of grapes to particular grades, sizes, packs, or containers, or any combination thereof, or (2) to prescribe requirements in terms of grade, size, pack, or container, or any combination thereof, for premium quality grapes and to require that grapes that are handled and designated as con-

forming to the requirements prescribed for premium quality grapes shall meet or exceed such requirements, would tend to effectuate the declared policy of the act, he shall so limit the shipment as set forth in subparagraph (1) of this paragraph or require grapes to conform to such requirements as may be prescribed in accordance with subparagraph (2) of this paragraph during a specified period.

(b) The Secretary shall immediately notify the Industry Committee of the issuance of any such regulation, and the said committee shall promptly give adequate notice thereof to handlers and to growers.

Dated: July 19, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[P.R. Doc. 67-8512; Filed, July 21, 1967;
8:48 a.m.]

[7 CFR Part 1043]

[Docket No. AO 247-A12]

MILK IN UPSTATE MICHIGAN MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Market- ing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Park Place Motor Inn, Traverse City, Mich., beginning at 2 p.m., local time, on August 1, 1967, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Upstate Michigan marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Michigan Milk Producers Association:

Proposal No. 1. Change the present Class II and Class III milk price formulas by deleting paragraphs (b) and (c) from § 1043.51 and substituting the following:

§ 1043.51 Class prices.

(b) *Class II milk.* The Class II milk price shall be computed by adding 30 cents to the butter-nonfat dry milk solids formula price as described in present § 1043.51(b)(2).

(b) *Class III milk.* The Class III milk price shall be the butter-nonfat dry milk solids formula price as described in present § 1043.51(b)(2).

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 2. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Mr. George Irvine, 3031 Parsons Road, Traverse City, Mich. 49684, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, or may be there inspected.

Signed at Washington, D.C., on July 19, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[P.R. Doc. 67-8511; Filed, July 21, 1967;
8:47 a.m.]

[7 CFR Parts 1090, 1101]

[Docket Nos. AO-268-A9, AO-195-A16]

MILK IN CHATTANOOGA AND KNOX- VILLE, TENN., MARKETING AREAS

Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Knoxville, Tenn., on May 24, 1967, pursuant to notice thereof issued on May 5, 1967 (32 F.R. 7133).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on June 30, 1967 (32 F.R. 9977; F.R. Doc. 67-7848) filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (32 F.R. 9977; F.R. Doc. 67-7848) are hereby approved and adopted and are set forth in full herein:

The material issues on the record of the hearing relate to:

1. The Class II price, and
2. Date for announcing class prices.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *The Class II price.* The Class II price under the Chattanooga and Knoxville orders should be established at the level of the basic formula price for the month. For the year ending April 30, 1967, this would have resulted in an average Class

II price of \$4.06. In the same 12 months, the actual Chattanooga and Knoxville Class II prices averaged \$3.59 and \$3.54, respectively.

The basic formula price for the Chattanooga and Knoxville orders is the average price per hundredweight paid for manufacturing grade milk in Minnesota and Wisconsin as reported by the U.S. Department of Agriculture, adjusted to a 3.5 percent butterfat test. This price series, which is used as a basis for determining Class I prices in most Federal orders, has also gained wide acceptance in the various orders as a formula for pricing milk used for manufacturing purposes.

The Class II price in the Knoxville order is now the average reported basic paying price at nine Tennessee milk manufacturing plants plus 10 cents in the months of February-August and 25 cents September-January. Such price, however, may not exceed the higher of (1) a formula based on the market prices of butter and nonfat dry milk or (2) a formula based on the market prices for butter and cheddar cheese. The average pay price of the nine Tennessee manufacturing plants adjusted by the fixed differentials has been consistently less than the two alternative prices. At no time in recent years has either of the two alternative prices been the effective Class II price.

The Chattanooga Class II price for February through August is the average reported basic paying prices of four local manufacturing plants. For other months, the Class II price is the higher of either the average paying price at such plants or a formula price based on market prices of butter and nonfat dry milk. The formula price generally has been the applicable Class II price in the September-January periods. For the year ending April 30, 1967, this formula price averaged \$3.86; 20 cents less than the average Minnesota-Wisconsin price for the same 12-month period.

Under both the Chattanooga and Knoxville orders, the monthly Class II prices have been consistently below the Class II price that would have been obtained by using the Minnesota-Wisconsin price series as herein proposed.

The basic prices reported by local manufacturing plants are no longer appropriate for determining Class II prices under the two orders. The prices actually paid dairy farmers for milk delivered to these manufacturing plants are significantly more than the basic price quotations for such plants that are used in determining the orders' Class II prices. These basic price quotations do not include premiums for such things as volume, concrete floors, cooling, quality, bulk tank and hauling, some or all of which are paid to their patrons. Also, the formula prices now used in determining the Chattanooga and Knoxville Class II prices do not reflect the value of Class II milk in these markets under current conditions.

The major producer associations in the Knoxville and Chattanooga markets have for some time been disposing of their Class II milk, both to regulated and

unregulated plants, at substantially more than the order Class II price. Such sales to local manufacturing plants have been at prices 50 to 70 cents above the Class II prices applicable under these orders. Also, since last September sales to regulated handlers of Class II milk in these markets have been negotiated at the level of the Minnesota-Wisconsin price series. On the other hand, however, the handlers receiving milk from producers unaffiliated with the cooperatives are required to settle with the pool only on the basis of the relatively low Class II prices that are now provided under the two orders.

The Class II price recommended herein is representative of the value of milk used for manufacturing purposes in the Chattanooga and Knoxville markets and will result in more equitable returns to producers for Class II milk. This formula is used for the same purpose in 44 other Federal orders. Utilizing it in the Chattanooga and Knoxville orders will return to producers a value for their milk consistent with the value of milk used in the manufacture of similar products in other markets. There was no opposition to the proposal for basing the Class II price on the Minnesota-Wisconsin price series.

Information on the prices paid at manufacturing plants in Wisconsin is assembled by the State-Federal Crop Reporting Service. A large number of manufacturing plants are included in the monthly sample on which average prices and butterfat content information is based. Plant operators report the total pounds of manufacturing grade milk received from farmers, the total butterfat content, and total dollars paid to dairy farmers for such milk, f.o.b. plant. Similar information is assembled for Minnesota manufacturing plants. These prices are available on a current month basis and are announced on or about the 5th day of the following month.

The Minnesota-Wisconsin price series for manufacturing grade milk reflects price information in each of the two States weighted by the proportionate amount of manufacturing milk produced in each State. The series is based upon a large sample of plants located in the remaining large production area of manufacturing grade milk in the United States. Competition for this milk is strong in both States. Consequently, no firm or group of firms can have a significant influence upon the level of prices.

The present Class II butterfat differential in the Chattanooga and Knoxville orders for adjusting the price for milk containing more or less than 3.5 percent butterfat should be retained. It is arrived at for each one-tenth percent of butterfat by multiplying the monthly average wholesale selling price per pound of 92-score butter at Chicago by 11.5 percent. Producers maintain that this differential has been satisfactory in the past and would be suitable in connection with the adoption of the Class II price herein proposed. Moreover, this differential is the same as that applied to Class II prices under many other Federal orders,

including the order for the nearby Nashville market.

Both orders also provide that the Class II butterfat differential shall not exceed the result obtained by dividing by 40 the price on a 4 percent butterfat basis of each of the average reported paying prices or formula prices now used in determining the Class II price. It would be impractical to retain in the order these reported pay prices and formula prices solely for the purpose of computing this proviso, especially since it has never been effective in establishing a Class II butterfat differential in the orders. Moreover, there is no indication that it would have any different effect in the future. Accordingly, the producer proposal that it be removed from the orders should be adopted.

2. *Date for announcing class prices.* The Chattanooga and Knoxville Class I prices and butterfat differentials for the month should be announced by the market administrator not later than the 6th day of the month.

Both orders now provide for announcing the Class I price and butterfat differential by the 10th day of the month. The proposed earlier announcement date would be helpful to the industry by providing it with information concerning what the precise Class I price for the month would be at the earliest practicable date. Also, changing the Class I price announcement date from the 10th to the 6th day of the month will align the announcement dates in these orders with those provided in the great majority of the Federal milk orders and in all the nearby orders.

In determining the supply-demand adjustment applicable to their monthly Class I prices, the Chattanooga and Knoxville orders now use the producer milk deliveries and Class I sales data for the first and second preceding months. Since such data for the first preceding month would not be available by the proposed earlier announcement date (handler reports are not due until the 6th), it is necessary that the supply-sales data used in computing the supply-demand adjustment be those for the second and third preceding months. This requires that each 2-month utilization period and corresponding standard utilization percentages now used in computing the Class I price for a particular month be used instead for determining the following month's price. Thus, a price adjustment determined under the present provisions for a certain month would apply under the proposed change one month later. The level of adjustments on an annual basis, however, would not be affected by this change in the supply-demand provisions.

The Chattanooga order provides that the market administrator announce the Class II price and butterfat differential by the 10th day of the following month. Since the information for computing the Class II price will now be available on or about the 5th day of the month, it is practicable and desirable that it be announced by the 6th, the same date by which most orders, including Knoxville, announce their Class II prices.

This change, which was proposed by producers, should be adopted.

Rulings on proposed findings and conclusions. No briefs or proposed findings and conclusions were filed on behalf of interested parties.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and the orders, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing areas, and the minimum prices specified in the proposed marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, the marketing agreements upon which a hearing has been held.

Rulings on exceptions. No exceptions to the recommended decision were filed on behalf of interested parties.

Marketing agreements and orders. Annexed hereto and made a part hereof are four documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Chattanooga Marketing Area," "Order Amending the Order Regulating the Handling of Milk in the Chattanooga Marketing Area," "Marketing Agreement Regulating the Handling of Milk in the Knoxville Marketing Area," and "Order Amending the Order Regulating the Handling of Milk in the Knoxville Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered. That all of this decision, except the attached marketing agreements, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreements are identical with those contained in the orders as hereby proposed to be amended by the attached orders which will be published with this decision.

Determination of representative period. The month of May 1967 is hereby determined to be the representative period for the purpose of ascertaining

whether the issuance of the attached orders, as amended and as hereby proposed to be amended, regulating the handling of milk in the Chattanooga and Knoxville marketing areas, is approved or favored by producers, as defined under the terms of the orders as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing areas.

Signed at Washington, D.C., on July 18, 1967.

GEORGE L. MEHREN,
Assistant Secretary.

Order¹ Amending the Order Regulating the Handling of Milk in the Chattanooga Marketing Area

§ 1090.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Chattanooga marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity speci-

fied in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Chattanooga marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on June 30, 1967, and published in the *FEDERAL REGISTER* on July 7, 1967 (32 F.R. 9977; F.R. Doc. 67-7848), shall be and are the terms and provisions of this order and are set forth in full herein:

1. In § 1090.27(k), subparagraph (1) is revised to read as follows:

§ 1090.27 Duties.

(k) * * *

(1) The 6th day of each month, the Class I price and Class I butterfat differential, both for the current month; and the Class II price and Class II butterfat differential, both for the preceding month, and

2. Section 1090.51 is revised to read as follows:

§ 1090.51 Class prices.

Subject to the provisions of §§ 1090.52 and 1090.53, the minimum prices per hundredweight of milk containing 3.5 percent butterfat, to be paid by each handler for milk received at his pool plant from producers during the month, shall be as follows:

(a) *Class I milk price.* The price per hundredweight for Class I milk for the month shall be the basic formula price for the preceding month, subject to the adjustments provided in subparagraphs (1) and (2) of this paragraph:

(1) Add \$1.75, and plus 20 cents through April 1968;

(2) Add if the utilization percentage calculated pursuant to subparagraph (3) of this paragraph is less than, or subtract if it is more than, the standard utilization range, an amount determined by multiplying the net utilization percentage calculated pursuant to subparagraph (4) of this paragraph by 2 cents: *Provided*, That any addition or subtraction shall be limited to 50 cents per hundredweight;

(3) Calculate a utilization percentage for each month by dividing the net hundredweight of Class I milk (excluding the skim milk and butterfat in fluid milk products received during the month in the same product and same package from a plant fully regulated pursuant to Order No. 101 (Part 1101 of this chapter) regulating the handling of milk in the Knoxville marketing area) disposed of from all pool plants for the second and third preceding months into the total hundredweight of producer milk for the same months, multiplying by 100, and rounding the resultant figure to the nearest whole number;

(4) Calculate a net utilization percentage by determining the amount by which the utilization percentage calculated pursuant to subparagraph (3) of this paragraph exceeds the higher figure or is less than the lower figure of the standard utilization range in the following table:

Month for which price applies	Months for which utilization is computed	Standard utilization range	
		Minimum	Maximum
January.....	October-November.....	114	118
February.....	November-December.....	117	121
March.....	December-January.....	117	121
April.....	January-February.....	117	121
May.....	February-March.....	119	123
June.....	March-April.....	124	128
July.....	April-May.....	134	138
August.....	May-June.....	134	138
September.....	June-July.....	128	132
October.....	July-August.....	115	119
November.....	August-September.....	110	114
December.....	September-October.....	114	118

(b) *Class II milk price.* The Class II milk price shall be the basic formula price for the month.

3. Section 1090.52(b) is revised to read as follows:

§ 1090.52 Butterfat differentials to handlers.

(b) *Class II milk price.* Multiply the Chicago butter price for the month by 0.115.

Order¹ Amending the Order Regulating the Handling of Milk in the Knoxville Marketing Area

§ 1101.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Knoxville marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions

¹ This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Knoxville marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on June 30, 1967, and published in the FEDERAL REGISTER on July 7, 1967 (32 F.R. 9977; F.R. Doc. 67-7848), shall be and are the terms and provisions of this order and are set forth in full herein:

1. In § 1101.22(j), subparagraph (1) is revised to read as follows:

§ 1101.22 Duties.

(j)

(1) The 6th day of each month, the Class I price and the Class I butterfat differential, both for the current month;

2. Section 1101.51 is revised to read as follows:

§ 1101.51 Class prices.

Subject to the provisions of §§ 1101.52 and 1101.53, each handler shall pay producers, at the time and in the manner set forth in §§ 1101.80 through 1101.86, not less than the prices per hundredweight computed as follows for the respective quantities of Class I milk and Class II milk computed pursuant to § 1101.46:

(a) **Class I milk price.** The price per hundredweight for Class I milk for the month shall be the basic formula price for the preceding month, subject to the adjustments provided in subparagraphs (1) and (2) of this paragraph:

(1) Add \$1.50, and plus 20 cents through April 1968;

(2) Add if the utilization percentage calculated pursuant to subparagraph (3) of this paragraph is less than, or subtract if it is more than, the base utilization range, an amount determined by multiplying the net utilization percentage calculated pursuant to subparagraph (4) of this paragraph by 2 cents: Pro-

vided, That any addition or subtraction shall be limited to 50 cents per hundredweight;

(3) Calculate a utilization percentage for each month by dividing the net hundredweight of Class I milk disposed of from all pool plants for the second and third preceding months into the total hundredweight of producer milk for the same months, multiplying by 100, and rounding the resultant figure to the nearest whole number;

(4) Calculate a "net utilization percentage" by determining the amount by which the utilization percentage calculated pursuant to subparagraph (3) of this paragraph exceeds the higher figure or is less than the lower figure of the base utilization range in the following table:

Pricing month	Second and third preceding months	Base utilization range
January.....	October-November.....	114-118
February.....	November-December.....	114-118
March.....	December-January.....	114-118
April.....	January-February.....	114-118
May.....	February-March.....	115-119
June.....	March-April.....	124-128
July.....	April-May.....	131-135
August.....	May-June.....	130-134
September.....	June-July.....	124-128
October.....	July-August.....	116-120
November.....	August-September.....	112-116
December.....	September-October.....	110-114

(b) **Class II milk price.** The Class II milk price shall be the basic formula price for the month.

3. Section 1101.52(b) is revised to read as follows:

§ 1101.52 Butterfat differentials to handlers.

(b) **Class II milk.** Multiply the average price per pound of butter for the month as described in § 1101.50 by 0.115.

[F.R. Doc. 67-8495; Filed, July 21, 1967; 8:46 a.m.]

[7 CFR Part 1050]

MILK IN CENTRAL ILLINOIS MARKETING AREA

Notice of Proposed Suspension of a Certain Provision of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of a certain provision of the order regulating the handling of milk in the Central Illinois marketing area is being considered for the months of July and August 1967.

The provision proposed to be suspended is in § 1050.14(b)(2) and reads as follows, "during the months of May and June and in any month for not more than 8 days of production of producer milk by such producer", relating to diversion of producer milk to non-pool plants.

This suspension action was requested by a handler regulated under the order. It is contended that abnormal seasonal increase in production requires removal of the diversion limit for the July and August period this year if many producers regularly associated with the mar-

ket are to maintain producer status. This suspension is requested to allow the movement of such producers' milk direct from their farms to nonpool manufacturing plants.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 3 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Signed at Washington, D.C., on July 20, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67-8573; Filed, July 21, 1967; 8:48 a.m.]

DEPARTMENT OF
TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 1, 91]

[Docket No. 8166; Notice No. 67-21]

PROVISION OF CONTROLLED VISUAL FLIGHT IN POSITIVE CONTROL AREAS

Extension of Comment Period

On May 13, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 7220) and circulated as notice No. 67-21, stating that the Federal Aviation Administration is considering a proposal to permit the implementation of Controlled Visual Flight (CVF) operations within the positive control areas to be designated in accordance with Airspace Docket No. 67-WA-16.

The Air Transport Association has requested an extension to the comment period, stating that certain important details of the proposal have been brought to their attention that require a recirculation and reexamination by its membership. Since the potential effect this proposal may have on aviation is substantial, good cause exists to extend the comment period to insure that all interested parties have an opportunity to submit their comments in full. Therefore, the time period for the submission of comments on notice No. 67-21 is extended to July 28, 1967.

Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This extension of comment period is issued under the authority of section 307 of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on July 19, 1967.

H. B. HELSTROM,
Acting Director,
Air Traffic Service.

[F.R. Doc. 67-8615; Filed, July 21, 1967;
9:22 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[23 CFR Part 255]

[Docket No. 18; Notice No. 67-4]

INITIAL FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Notice of Proposed Rule Making

The National Highway Safety Bureau is considering amending § 255.21 of Part 255, Initial Federal Motor Vehicle Safety Standards, by adding Standard No. 109, New Pneumatic Tires—Passenger Cars; and Standard No. 110, Tire Selection and Rims—Passenger Cars.

In drafting these proposed standards, the Bureau considered the comments received in response to the Advance Notice of Proposed Rule Making published in the FEDERAL REGISTER on February 3, 1967 (32 F.R. 2417) and consultation with the National Motor Vehicle Safety Advisory Council and with representatives of the Federal Trade Commission, the General Services Administration, the National Bureau of Standards, and tire and auto industry associations, both domestic and foreign.

Proposed Standard No. 109 applies to new tires for use on passenger cars manufactured after 1948, since the Bureau determined it to be impractical and unreasonable to regulate tires for use on cars manufactured before the date that marked the change to tire sizes still being used today as original equipment. The proposed standard does not reflect the current usage of "ply rating," for which there is no accepted definition, nor any similar system, but uses instead maximum permissible inflation pressure, which is related to the test loads. The labeling requirements satisfy the requirements of section 201 of the National Traffic and Motor Vehicle Safety Act of 1966 (80 Stat. 718) and also the Tire Advertising and Labeling Guides of the Federal Trade Commission. The testing procedure reflects the approach used in Society of Automotive Engineers Recommended Practice J918b, "Passenger Car Tire Performance Requirements and Test Procedures", December 1966, with load values compatible to both 1967 Tire and Rim Association and European Tire and Rim Technical Organization values. Specific prohibition against modification of tires, such as changing a blackwall tire into a whitewall tire, was not included, since a modified tire will have to meet all the requirements of the standard.

Proposed Standard No. 110 applies to passenger cars manufactured after the effective date and requires that the tires may not be loaded in excess of those load values actually tested. Requirements, which would have specified the top speed of a fully loaded tire and prohibited the intermixing on original equipment of tires with different performance characteristics, were not included. These will be the subject of future rule making related to the grading of tires.

Interested persons are invited to participate in the making of the standards by submitting such written data, views, or arguments as they may desire. Comments must identify the docket number and the notice number and be submitted in 10 copies to the National Highway Safety Bureau, Attention: Rules Docket, Room 405, Federal Highway Administration, U.S. Department of Transportation, Washington, D.C. 20591. All comments received on or before the close of business August 22, 1967, will be considered by the Secretary before taking action upon the proposed standards. The proposals contained in this notice may be changed if warranted by comments received. All comments will be available in the Rules Docket for examination by interested persons both before and after the closing date for comments.

In consideration of the foregoing, it is proposed to amend section 255.21 of Part 255, Initial Federal Motor Vehicle Safety Standards, by adding the standards set forth below, to become effective January 1, 1968.

This notice is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407) and the delegation of authority of March 31, 1967 (32 F.R. 5606), as amended April 6, 1967 (32 F.R. 6495).

Issued in Washington, D.C. on July 17, 1967.

LOWELL K. BRIDWELL,

Federal Highway Administrator.

MOTOR VEHICLE SAFETY STANDARD NO. 109

NEW PNEUMATIC TIRES—PASSENGER CARS

S1. Purpose and scope. This standard specifies minimum tire dimensions and laboratory test requirements for bead unseating resistance, strength, endurance, and high-speed performance; defines tire load ratings; and specifies labeling requirements.

S2. Application. This standard applies to new pneumatic tires for use on passenger cars manufactured after 1948.

S3. Definitions.

"Bead" means that part of the tire made of high-tensile steel wires, wrapped and reinforced by the plies, that is shaped to fit the rim.

"Bead separation" means a breakdown of bond between components in the bead area.

"Bias ply tire" means a pneumatic tire in which the cords in the tire body are laid at alternate angles substantially less than 90° to the centerline of the tread.

"Carcass" means the tire structure, except tread and sidewall rubber.

"Chunking" means the breaking away of pieces of the tread.

"Cord" means the strands forming the plies in the tire.

"Cord separation" means cords parting away from adjacent rubber compounds.

"Groove" means the space between two adjacent tread ribs.

"Load rating" means the maximum load a tire is rated to carry for a given inflation pressure.

"Maximum permissible inflation pressure" means the maximum cold inflation pressure to which a tire may be inflated.

"Maximum load rating" means the load rating at the maximum permissible inflation pressure for that tire.

"Measuring rim" means a rim for a particular tire size designation of the dimensions specified either in the 1967 Tire and Rim Association Year Book, pages PC-10-F or PC-10-H of its Engineering Supplement dated October 23, 1966, or the 1967 Tire and Rim Association Data Book, for the applicable width specified in Table I.

"Ply" means a layer of rubber-coated parallel cords forming tire body.

"Ply separation" means a parting of rubber compound between adjacent plies.

"Pneumatic tire" means a mechanical device made of rubber, chemicals, fabric, and steel or other materials, which, when mounted on an automotive wheel, provides the traction and contains the fluid that sustains the load.

"Radial ply tire" means a pneumatic tire in which the body ply cords which extend to the bead are laid at substantially 90° to the centerline of the tread.

"Rim" means a metal support for a tire or a tire and tube assembly upon which the tire beads are seated.

"Section width" means the linear distance between the exteriors of the sidewalls of an inflated tire, excluding elevations due to labeling, decoration, or protective bands.

"Sidewall" means that portion of a tire between the tread and the bead.

"Size factor" means the sum of the section width (on its measuring rim) and the outer diameter of a tire.

"Tread" means that portion of a tire that comes into contact with the road.

"Tread rib" means a tread section running circumferentially around a tire.

"Tread separation" means pulling away of the tread from the tire carcass.

S4. Requirements.

S4.1 Design and construction. Each tire shall be designed to fit each rim specified for its size designation in the 1967 Tire and Rim Association Year Book, pages PC-10-F and PC-10-H of its Engineering Supplement dated October 23, 1966, and the 1967 Tire and Rim Association Data Book.

S4.2 Performance Requirements.

S4.2.1 General. Each tire shall conform to each of the following:

(a) It shall meet the requirements specified in S4.2.2 for its tire size designation, type, and maximum permissible inflation pressure.

(b) Its maximum permissible inflation pressure shall be either 32, 36, or 40 psi.

(c) Its maximum load rating shall not exceed that specified in Table II of Motor

Vehicle Safety Standard No. 110 for the applicable maximum permissible inflation pressure for its tire size designation and type.

(d) If manufactured after June 30, 1968, it shall incorporate a tread wear indicator that will provide a visual indication that the tire has worn to a tread depth of $\frac{1}{16}$ inch.

S4.2.2 Test requirements.

S4.2.2.1 Test sample. For each test sample use—

(a) One tire for physical dimensions, resistance to bead unseating, and strength, in sequence;

(b) Another tire for tire endurance; and

(c) A third tire for high-speed performance.

S4.2.2.2 Physical dimensions. Each tire, when mounted on its measuring rim, shall conform to the applicable minimum size factor, and maximum section width dimensions specified in Table I. These dimensions shall be determined in accordance with S5.1.

S4.2.2.3 Tubeless tire resistance to bead unseating. When tested in accordance with S5.2, the applied force required to unseat the tire bead at the point of contact shall not be less than 2,500 pounds for tire sizes listed in Tables I-A, I-B, and I-C, and not less than 2,000 pounds for tire sizes listed in Table I-D.

S4.2.2.4 Tire strength. Each tire shall meet the requirements for minimum breaking energy specified in Table II when tested in accordance with S5.3.

S4.2.2.5 Tire endurance. After completion of the laboratory test wheel endurance test specified in S5.4, no tire shall have tread, ply, cord, or bead separation; tread chunking; or broken cords.

S4.2.2.6 High-speed performance. After completion of the laboratory high-speed performance test specified in S5.5, no tire shall have tread, ply, cord, or bead separation; tread chunking; or broken cords.

S4.3 Labeling requirements. Except as provided in S4.3.1, after January 1, 1968, each tire shall be conspicuously labeled on both sidewalls with each of the following permanently molded into the tire:

(a) Size designation.

(b) Maximum permissible inflation pressure.

(c) Maximum load rating.

(d) Identification of manufacturer by—

(1) Name; or

(2) Brand name and an approved code mark.

(e) Composition of the material used in the ply cord.

(f) Actual number of plies in the sidewall area, and the actual number of plies in the tread area, if different.

(g) The word "tubeless" or "tube-type", as applicable.

(h) The word "radial", if a radial ply tire

(i) An approved recital or an approved symbol that the tire conforms to applicable Federal Motor Vehicle Safety Standards.

S4.3.1 Until July 1, 1968, the labeling requirements of S4.3 may be met with a

permanent label on each sidewall that incorporates all specified information not permanently molded into the tire:

S5. Test procedures.

S5.1 Physical dimensions. Determine tire physical dimensions under uniform ambient conditions as follows:

(a) Mount the tire on its measuring rim and inflate it to the applicable pressure specified in Table III.

(b) Condition it at ambient room temperature for at least 24 hours.

(c) Readjust pressure to that specified in (a).

(d) Caliper the tire section width at 6 points approximately equally spaced around the tire circumference.

(e) Record as section width the average of the 6 measurements taken in accordance with (d).

(f) Calculate the tire outer diameter by measuring the outer circumference of the tire at the center of the tread and dividing this dimension by π .

S5.2 Tubeless tire bead unseating resistance.

S5.2.1 Preparation of tire-wheel assembly.

S5.2.1.1 Wash the tire, dry it at the two beads, and mount it without lubrication on a clean, painted measuring rim.

S5.2.1.2 Inflate it to the applicable pressure specified in Table III at ambient room temperature.

S5.2.1.3 Mount the wheel and tire in the fixture shown in Figure 1, and force the standard block shown in Figure 2 against the tire sidewall as required by the geometry of the fixture.

S5.2.2 Test procedure.

S5.2.2.1 Apply a load through the block to the tire sidewall at the maximum section width of the tire at a rate of 2 inches per minute, with the load arm parallel to the tire and rim assembly at the time of engagement.

S5.2.2.2 Increase the load until the bead unseats or the applicable value specified in S4.2.2.3 is reached.

S5.2.2.3 Repeat the test at least four places equally spaced around the tire circumference.

S5.3 Tire strength.

S5.3.1 Preparation of tire.

S5.3.1.1 Mount the tire on its measuring rim and inflate it to the applicable pressure specified in Table III.

S5.3.1.2 Condition it at room temperature for at least 3 hours; and

S5.3.1.3 Readjust its pressure to that specified in S5.3.1.1.

S5.3.2 Test Procedure.

S5.3.2.1 Force a $\frac{3}{4}$ -inch-diameter cylindrical steel plunger with a hemispherical end perpendicularly into the tread rib as near to the centerline as possible, avoiding penetration into the tread groove, at the rate of 2 inches per minute.

S5.3.2.2 Record five measurements of force and penetration at five break points equally spaced around the circumference of the tire. If the tire fails to break before the plunger is stopped by reaching the rim, record the force and penetration as the rim is reached.

S5.3.2.3 Compute the breaking energy for each test point by means of the following formula:

$$W = \frac{F \times P}{2}$$

where:

W = Energy at break, inch-pounds;

F = Force at break, pounds;

P = Penetration at break, inches.

S5.3.2.4 Determine the breaking energy value for the tire by computing the average of the five values obtained in accordance with S5.3.2.3.

S5.4 Tire endurance.

S5.4.1 Preparation of tire.

S5.4.1.1 Mount a new tire on its measuring rim and inflate it to the applicable pressure specified in Table III.

S5.4.1.2 Condition it at 95° F. or more for at least 3 hours.

S5.4.1.3 Readjust tire pressure to that specified in S5.4.1.1 immediately before testing.

S5.4.2 Test procedure.

S5.4.2.1 Mount the tire and wheel assembly on a test axle and press it against a flat-faced steel test wheel 67.23 inches in diameter and at least as wide as the section width of the tire to be tested or an approved equivalent test wheel, with the applicable test load specified in Table II of Motor Vehicle Safety Standard No. 110 for the tire's size designation, type, and maximum permissible inflation pressure.

S5.4.2.2 During the test, the air surrounding the test area shall be 95° F. or more.

S5.4.2.3 Conduct the test at 50 miles per hour in accordance with the following schedule without interruption:

Maximum permissible inflation pressure (p.s.i.)	Load (from table II Standard 110)—		
	for 4 hours	for 6 hours	for 24 hours
32.....	24 p.s.i. column.	28 p.s.i. column.	32 p.s.i. column.
36.....	28 p.s.i. column.	32 p.s.i. column.	36 p.s.i. column.
40.....	32 p.s.i. column.	36 p.s.i. column.	40 p.s.i. column.

S5.5 High-speed performance.

S5.5.1 After preparing the tire in accordance with S5.4.1, mount the tire and wheel assembly in accordance with S5.4.2.1, and press it against the test wheel with the load specified in Table II of Motor Vehicle Safety Standard No. 110 for the tire's size designation and the applicable pressure specified in Column B of the following table:

A Maximum permissible inflation pressure (p.s.i.)	B Load from Table II Standard 110
32.....	24 p.s.i. column.
36.....	28 p.s.i. column.
40.....	32 p.s.i. column.

S5.5.2 Break in the tire by running it for 2 hours at 50 m.p.h.

S5.5.3 Allow it to cool to 100° F., and readjust the inflation pressure to the applicable pressure specified in Table III.

S5.5.4 Without readjusting inflation pressure, test at 75 m.p.h. for 30 minutes, 80 m.p.h. for 30 minutes, and (except deep-tread, winter-type tires) 85 m.p.h. for 30 minutes.

TABLE I.—RIMS, MAXIMUM SECTION WIDTHS, AND MINIMUM SIZE FACTORS

TABLE I-A—FOR CONVENTIONAL AND LOW SECTION HEIGHT TIRES

Tire size designation	Measuring rim, inches	Minimum size factor, inches	Maximum section width, inches
6.00-13	4	29.37	6.00
6.50-13	4½	30.75	6.60
7.00-13	5	31.88	7.10
6.00-14	4	30.64	6.10
6.50-14	4½	31.75	6.60
7.00-14	5	32.88	7.10
7.50-14	5½	34.19	7.65
8.00-14	6	35.17	8.10
8.50-14	6	35.91	8.35
9.00-14	6½	36.91	8.80
9.50-14	6½	37.74	9.05
6.00-15	4	31.64	6.10
6.50-15	4½	32.75	6.60
7.00-15	4½	33.95	7.00
7.50-15	5	34.89	7.40
8.00-15	5½	36.05	7.90
8.50-15	6	36.84	8.30
9.00-15	6	37.50	8.50
9.50-15	6½	39.54	9.20
6.45-14	4½	30.92	6.60
6.95-14	5	31.96	7.00
7.45-14	5	32.92	7.20
7.95-14	5½	34.09	7.75
8.45-14	6	35.11	8.20
8.95-14	6	36.06	8.50
9.45-14	6½	38.82	9.05
6.85-15	5	32.48	6.90
7.35-15	5½	33.85	7.50
7.85-15	5½	34.53	7.65
8.35-15	6	35.30	8.15
8.85-15	6	36.37	8.35
9.35-15	6½	37.29	8.80
9.85-15	6½	37.45	9.05
9.00-15	6	37.45	8.50

TABLE I-B—FOR "70 SERIES" TIRES

D70-14	5½	32.87	7.85
E70-14	5½	33.45	8.05
F70-14	5½	34.18	8.30
G70-14	6	35.14	8.75
H70-14	6	36.19	9.10
J70-14	6½	36.91	9.50
E70-15	6	34.17	8.10
F70-15	6	34.91	8.35
G70-15	6	35.68	8.60
H70-15	6	36.68	8.95
J70-15	6½	37.34	9.35
K70-15	6½	37.62	9.40
L70-15	6½	38.09	9.60

TABLE I-C—FOR TYPE A RADIAL TIRES

165R13	4½	29.18	6.40
175R13	4½	30.30	6.75
185R13	5	31.42	7.25
195R13	5½	32.38	7.70
165R14	4	29.51	6.05
165R14	4½	30.65	6.55
175R14	5	31.63	7.00
185R14	5	32.59	7.30
195R14	5½	33.69	7.80
205R14	6	34.82	8.30
215R14	6	35.79	8.60
225R14	6½	36.44	8.95
165R15	4½	31.18	6.40
175R15	5	32.30	6.90
185R15	5½	33.58	7.45
195R15	5½	34.22	7.65
205R15	6	35.20	8.10
215R15	6	36.00	8.35
225R15	6½	36.94	8.80
235R15	6½	37.75	9.05

TABLE I-D—FOR OTHER TIRES

"Super Balloon" sizes:			
5.20-10	3.50	24.84	5.20
5.20-12	3.50	26.79	5.20
5.60-12	4.00	27.83	5.71
5.20-13	3.50	27.72	5.20
5.60-13	4.00	28.92	5.71
5.90-13	4.00	29.74	5.91

TABLE I-D—FOR OTHER TIRES—Continued

Tire size designation	Measuring rim, inches	Minimum size factor, inches	Maximum section width, inches
"Super Balloon" sizes—Continued			
6.40-13	4.50	31.26	6.42
6.70-13	4.50	32.14	6.69
5.20-14	3.50	28.89	5.20
5.60-14	4.00	29.94	5.71
5.90-14	4.00	30.76	5.91
6.40-14	4.50	32.19	6.42
5.20-15	3.50	29.75	5.20
5.60-15	4.00	30.87	5.71
5.90-15	4.00	31.77	5.91
"Low Section" sizes:			
5.00-12	3.50	25.02	5.04
5.50-12	4.00	26.93	5.59
6.00-12	4.50	28.33	6.14
6.50-13	5.00	29.64	6.69
7.00-13	5.50	27.95	7.24
7.50-13	6.00	32.51	7.79
8.00-13L	6.50	33.22	8.34
8.50-13L	7.00	29.97	8.89
9.00-13L	7.50	31.29	9.44
9.50-13L	8.00	32.68	9.99
10.00-13L	8.50	33.85	10.54
"Super Low Section" sizes:			
145-10/5.95-10	4.00	24.76	5.79
125-12/5.35-12	3.50	24.68	5.00
135-12/5.65-12	4.00	25.63	5.39
145-12/5.95-12	4.00	26.09	5.79
155-12/6.15-12	4.50	27.36	6.15
135-13/5.65-13	4.00	26.53	5.36
145-13/5.95-13	4.00	27.61	5.75
155-13/6.15-13	4.50	28.44	6.15
165-13/6.45-13	4.50	29.52	6.55
175-13/6.95-13	5.00	30.34	7.01
185-13/7.35-13	5.50	31.41	7.46
135-14/5.65-14	4.00	27.54	5.36
145-14/5.95-14	4.00	28.54	5.75
155-14/6.15-14	4.50	29.45	6.15
125-15/5.35-15	3.50	27.09	5.00
135-15/5.65-15	4.00	28.59	5.36
145-15/5.95-15	4.00	29.54	5.75
155-15/6.35-15	4.50	30.45	6.15
175-15/7.15-15	5.00	32.42	7.01
235-15	6.50	38.26	9.00

oil, and coolant, and, if so equipped, air conditioning and additional weight optional engine.

"Designated seating capacity" means the number of designated seating positions provided.

"Designated seating position" means any plan view lateral position intended by the manufacturer to provide seating accommodation for a person at least as large as a 5th percentile adult female, except auxiliary seating accommodations such as temporary or folding jump seats.

"Maximum loaded vehicle weight" means the sum of—

- (a) Curb weight;
- (b) Accessory weight;
- (c) Vehicle capacity weight; and
- (d) Production options weight.

"Normal occupant weight" means 150 pounds, times the number of occupants specified in the second column of Table I.

"Occupant distribution" means distribution of occupants in a vehicle as specified in the third column of Table I.

"Production options weight" means the combined weight (in excess of those standard items which may be replaced) of installed regular production options weighing over 5 pounds, not previously considered, including heavy duty brakes, ride levelers, roof rack, heavy duty battery, and special trim.

"Radial ply tire" means a pneumatic tire in which the body ply cords which extend to the bead are laid at substantially 90° to the centerline of the tread.

"Vehicle capacity weight" means the manufacturer's rated cargo and luggage load, plus 150 pounds, times the vehicle's designated seating capacity.

"Vehicle maximum load on the tire" means that load on an individual tire that is determined by distributing to each axle its share of the maximum loaded vehicle weight and dividing by two.

"Vehicle normal load on the tire" means that load on an individual tire that is determined by distributing to each axle its share of the curb weight, accessory weight, and normal occupant weight (distributed in accordance with Table I), and dividing by two.

S4. Requirements.
S4.1 General. Passenger cars shall be equipped with tires that meet the requirements of Motor Vehicle Safety Standard No. 109, "New Pneumatic Tires—Passenger Cars."

S4.2 Tire load limits.
S4.2.1 The vehicle maximum load on the tire shall not be greater than the applicable load rating specified in Table II for the tire's size designation, type, and maximum permissible inflation pressure.

S4.2.2 The vehicle normal load on the tire shall not be greater than the test load used in the high-speed performance test specified in S5.5 of Motor Vehicle Safety Standard No. 109 for that tire.

S4.3 Placard. A placard, permanently affixed to the glove compartment door or an equally accessible location, shall display the—

- (a) Vehicle capacity weight;
- (b) Designated seating capacity (expressed in terms of total number of occupants and in terms of occupants for each seat location);
- (c) Vehicle manufacturer's recommended tire inflation pressure for maximum loaded vehicle weight and, subject to the limitations of S4.3.1, for any other manufacturer—specified vehicle loading condition; and
- (d) Vehicle manufacturer's recommended tire size designation.

S4.3.1 No inflation pressure other than the maximum permissible inflation pressure may be specified unless—
(a) It is less than the maximum permissible inflation pressure;

(b) The vehicle loading condition for that pressure is specified; and

(c) The tire load rating from Table II for the tire at that pressure is not less than the vehicle load on the tire for that vehicle loading condition.

S4.4 Rims. Each rim shall—

(a) Be constructed to the dimensions of one of the rims specified in the 1967

Year Book of the Tire and Rim Association, Inc., 34 N. Hawkins Avenue, Akron, Ohio 44313, or in pages PC-10-F or PC-10-H of the Engineering Supplement dated October 28, 1966 of the 1967 Tire and Rim Association Year Book for the applicable tire's size designation; and

(b) In the event of rapid loss of inflation pressure with the vehicle traveling in a straight line at a speed of 60 miles per hour, retain the deflated tire until the vehicle can be stopped with a controlled braking application.

TABLE I
OCCUPANT LOADING AND DISTRIBUTION FOR VEHICLE
NORMAL LOAD FOR VARIOUS DESIGNATED SEATING
CAPACITIES

Designated seating capacity, number of occupants	Vehicle normal load, number of occupants	Occupant distribution in a normally loaded vehicle
2 thru 4.....	2	2 in front.
5 and 6.....	3	2 in front, 1 in 2d seat.
7 thru 10.....	3	2 in front, 1 in 2d seat.

TABLE II-A

MAXIMUM TIRE LOAD RATINGS FOR CONVENTIONAL AND LOW SECTION HEIGHT TIRES

Tire size designation	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)										
	20	22	24	26	28	30	32	34	36	38	40
6.00-13.....	770	820	880	900	900	970	1,010	1,040	1,080	1,110	1,140
6.50-13.....	800	850	900	950	1,000	1,110	1,150	1,190	1,230	1,270	1,300
7.00-13.....	880	1,030	1,080	1,130	1,180	1,230	1,270	1,310	1,360	1,400	1,440
6.00-14.....	840	900	930	980	1,020	1,060	1,100	1,130	1,170	1,210	1,240
6.50-14.....	930	990	1,030	1,080	1,130	1,170	1,210	1,250	1,300	1,330	1,370
7.00-14.....	1,030	1,100	1,140	1,190	1,240	1,290	1,340	1,380	1,430	1,470	1,520
7.50-14.....	1,150	1,230	1,280	1,340	1,390	1,450	1,500	1,550	1,600	1,650	1,700
8.00-14.....	1,240	1,320	1,380	1,440	1,500	1,560	1,620	1,670	1,730	1,780	1,830
8.50-14.....	1,330	1,420	1,480	1,550	1,610	1,670	1,740	1,790	1,850	1,910	1,960
9.00-14.....	1,430	1,510	1,580	1,660	1,730	1,790	1,860	1,920	1,990	2,050	2,100
9.50-14.....	1,540	1,640	1,700	1,780	1,850	1,930	2,000	2,060	2,130	2,200	2,250
6.00-15.....	890	940	980	1,030	1,070	1,110	1,150	1,190	1,230	1,270	1,300
6.50-15.....	980	1,040	1,080	1,130	1,180	1,230	1,270	1,320	1,360	1,400	1,440
7.00-15.....	1,110	1,190	1,230	1,280	1,340	1,400	1,450	1,500	1,550	1,590	1,640
7.50-15.....	1,190	1,270	1,320	1,380	1,440	1,500	1,550	1,600	1,650	1,710	1,760
8.00-15.....	1,310	1,400	1,450	1,520	1,580	1,640	1,700	1,750	1,820	1,880	1,930
8.50-15.....	1,380	1,470	1,530	1,600	1,670	1,730	1,800	1,850	1,920	1,980	2,040
9.00-15.....	1,470	1,570	1,630	1,710	1,780	1,850	1,920	1,980	2,050	2,110	2,170
9.50-15.....	1,570	1,680	1,740	1,820	1,890	1,960	2,030	2,100	2,160	2,230	2,290
6.45-14.....	800	850	900	950	1,000	1,050	1,100	1,150	1,200	1,250	1,300
6.95-14.....	890	940	990	1,040	1,090	1,140	1,190	1,240	1,290	1,340	1,390
7.45-14.....	1,040	1,100	1,160	1,210	1,260	1,310	1,360	1,400	1,450	1,500	1,550
7.95-14.....	1,150	1,210	1,270	1,330	1,390	1,440	1,500	1,550	1,600	1,650	1,700
8.45-14.....	1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,670	1,730	1,780	1,830
8.95-14.....	1,360	1,430	1,510	1,580	1,640	1,710	1,770	1,830	1,890	1,950	2,000
8.45-15.....	1,430	1,510	1,580	1,660	1,730	1,790	1,860	1,920	1,990	2,050	2,100
8.95-15.....	1,530	1,610	1,680	1,760	1,830	1,900	1,970	2,030	2,100	2,160	2,230
9.45-15.....	1,630	1,710	1,780	1,860	1,930	2,000	2,070	2,130	2,200	2,260	2,330

TABLE II-B

MAXIMUM TIRE LOAD RATINGS FOR "70 SERIES" TIRES

Tire size designation	1,010	1,070	1,120	1,170	1,230	1,270	1,320	1,360	1,410	1,450	1,490
D70-14.....	1,010	1,070	1,120	1,170	1,230	1,270	1,320	1,360	1,410	1,450	1,490
E70-14.....	1,070	1,130	1,190	1,240	1,300	1,350	1,400	1,440	1,490	1,540	1,580
F70-14.....	1,130	1,200	1,260	1,320	1,380	1,440	1,500	1,550	1,610	1,660	1,700
G70-14.....	1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,680	1,730	1,780	1,830
H70-14.....	1,360	1,440	1,510	1,580	1,650	1,710	1,770	1,830	1,890	1,950	2,010
J70-14.....	1,430	1,500	1,580	1,650	1,720	1,790	1,860	1,920	1,980	2,040	2,100
E70-15.....	1,070	1,130	1,190	1,240	1,300	1,350	1,400	1,440	1,490	1,540	1,580
F70-15.....	1,130	1,200	1,260	1,320	1,380	1,440	1,500	1,550	1,610	1,660	1,700
G70-15.....	1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,680	1,730	1,780	1,830
H70-15.....	1,360	1,440	1,510	1,580	1,650	1,710	1,770	1,830	1,890	1,950	2,010
J70-15.....	1,430	1,500	1,580	1,650	1,720	1,790	1,860	1,920	1,980	2,040	2,100
K70-15.....	1,460	1,540	1,620	1,690	1,770	1,830	1,900	1,970	2,030	2,090	2,150
L70-15.....	1,520	1,600	1,680	1,750	1,830	1,900	1,970	2,040	2,100	2,170	2,230

TABLE II-C
MAXIMUM TIRE LOAD RATINGS FOR TYPE A RADIAL PLY TIRES

Tire Size Designation	Maximum Tire Loads (pounds) at Various Cold Inflation Pressures (psi)						
	20	22	24	26	28	30	32
16S R13	770	820	860	900	930	970	1,010
17S R13	890	930	980	1,030	1,070	1,110	1,150
18S R13	980	1,030	1,080	1,130	1,180	1,230	1,270
19S R13	1,060	1,110	1,170	1,220	1,280	1,320	1,370
18S R14	780	820	860	900	940	970	1,010
16S R14	890	930	980	1,030	1,070	1,110	1,150
17S R14	980	1,030	1,080	1,130	1,180	1,230	1,270
18S R14	1,060	1,110	1,170	1,220	1,280	1,320	1,370
19S R14	1,150	1,210	1,270	1,330	1,390	1,440	1,500
20S R14	1,250	1,310	1,380	1,440	1,500	1,560	1,620
21S R14	1,350	1,420	1,510	1,580	1,640	1,710	1,770
22S R14	1,430	1,510	1,580	1,660	1,730	1,790	1,860
16S R15	870	910	950	1,000	1,050	1,090	1,130
17S R15	950	1,000	1,050	1,100	1,140	1,190	1,230
18S R15	1,070	1,130	1,180	1,240	1,290	1,340	1,390
19S R15	1,170	1,240	1,270	1,330	1,380	1,440	1,490
20S R15	1,280	1,350	1,370	1,430	1,490	1,550	1,610
21S R15	1,380	1,460	1,480	1,550	1,620	1,680	1,740
22S R15	1,480	1,570	1,590	1,660	1,730	1,790	1,860
23S R15	1,510	1,600	1,620	1,700	1,780	1,840	1,910

TABLE II-D
MAXIMUM TIRE LOAD RATINGS FOR OTHER TIRES
(Bias and Radial Ply Tires)

Tire size designation	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)										
	20	22	24	26	28	30	32	34	36	38	40
"Super Ballon"											
sizes:											
5.20-10	440	485	530	575	620	665	710	755	800	845	890
5.20-12	495	540	585	630	675	720	765	810	855	900	945
5.40-12	575	620	665	710	755	800	845	890	935	980	1,025
5.20-13	540	585	630	675	720	765	810	855	900	945	990
5.40-13	620	665	710	755	800	845	890	935	980	1,025	1,070
5.90-13	695	740	785	830	875	920	965	1,010	1,055	1,100	1,145
6.40-13	785	830	875	920	965	1,010	1,055	1,100	1,145	1,190	1,235
6.70-13	860	905	950	1,000	1,045	1,090	1,135	1,180	1,225	1,270	1,315
5.20-14	595	640	685	730	775	820	865	910	955	1,000	1,045
5.40-14	660	705	750	795	840	885	930	975	1,020	1,065	1,110
5.90-14	730	775	820	865	910	955	1,000	1,045	1,090	1,135	1,180
6.40-14	825	870	915	960	1,005	1,050	1,095	1,140	1,185	1,230	1,275
5.20-15	630	675	720	765	810	855	900	945	990	1,035	1,080
5.40-15	695	740	785	830	875	920	965	1,010	1,055	1,100	1,145
5.90-15	770	815	860	905	950	995	1,040	1,085	1,130	1,175	1,220
"Low Section"											
sizes:											
5.00-12	465	510	555	600	645	690	735	780	825	870	915
5.50-12	520	565	610	655	700	745	790	835	880	925	970
6.00-12	605	650	695	740	785	830	875	920	965	1,010	1,055
5.00-13	510	555	600	645	690	735	780	825	870	915	960
5.50-13	565	610	655	700	745	790	835	880	925	970	1,015
6.00-13	650	695	740	785	830	875	920	965	1,010	1,055	1,100
5.50-14	630	675	720	765	810	855	900	945	990	1,035	1,080
6.00-14	715	760	805	850	895	940	985	1,030	1,075	1,120	1,165
6.50-14	790	835	880	925	970	1,015	1,060	1,105	1,150	1,195	1,240
7.00-14	865	910	955	1,000	1,045	1,090	1,135	1,180	1,225	1,270	1,315
"Super Low Section"											
sizes:											
14S-10/5.95-10	475	515	555	595	635	675	715	755	795	835	875
12S-12/5.35-12	420	455	495	535	575	615	655	695	735	775	815
13S-12/5.65-12	465	505	545	585	625	665	705	745	785	825	865
14S-12/5.95-12	550	590	630	670	710	750	790	830	870	910	950
15S-12/6.15-12	605	645	685	725	765	805	845	885	925	965	1,005
13S-13/5.65-13	520	555	595	635	675	715	755	795	835	875	915
14S-13/5.95-13	585	620	660	700	740	780	820	860	900	940	980
15S-13/6.15-13	640	675	715	755	795	835	875	915	955	995	1,035
16S-13/6.45-13	715	750	790	830	870	910	950	990	1,030	1,070	1,110
17S-13/6.95-13	795	830	870	910	950	990	1,030	1,070	1,110	1,150	1,190
18S-13/7.35-13	870	905	945	985	1,025	1,065	1,105	1,145	1,185	1,225	1,265
14S-14/5.95-14	550	590	630	670	710	750	790	830	870	910	950
15S-14/6.15-14	605	645	685	725	765	805	845	885	925	965	1,005
16S-14/6.45-14	670	705	745	785	825	865	905	945	985	1,025	1,065
17S-14/6.95-14	750	785	825	865	905	945	985	1,025	1,065	1,105	1,145
18S-14/7.35-14	825	860	900	940	980	1,020	1,060	1,100	1,140	1,180	1,220
15S-15/6.35-15	675	710	750	790	830	870	910	950	990	1,030	1,070
16S-15/6.65-15	740	775	815	855	895	935	975	1,015	1,055	1,095	1,135
17S-15/6.95-15	815	850	890	930	970	1,010	1,050	1,090	1,130	1,170	1,210
18S-15/7.35-15	890	925	965	1,005	1,045	1,085	1,125	1,165	1,205	1,245	1,285
23S-16	1,435	1,485	1,535	1,585	1,635	1,685	1,735	1,785	1,835	1,885	1,935

[F.R. Doc. 67-8440; Filed, July 21, 1967; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 50]

LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Financial Qualifications

On June 13, 1967, the Atomic Energy Commission published for public comment in the FEDERAL REGISTER (32 F.R. 8423) proposed amendments to its regulation 10 CFR Part 50 pertaining to financial qualifications of applicants for and holders of licenses to construct and operate production and utilization facilities. Paragraph 3 of the amendments, which would have added an Appendix C, A Guide for the Financial Data and Related Information Required to Establish Financial Qualifications for Facility Construction and Operating Licenses, to Part 50 and Appendix C are hereby withdrawn. A revised guide will be published for public comment.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Issued at Washington, D.C., this 18th day of July 1967.

For the Atomic Energy Commission.

F. T. HOBBS,
Acting Secretary.

[F.R. Doc. 67-8496; Filed, July 21, 1967; 8:46 a.m.]

Notices

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration ORGANIZATION AND FUNCTIONS

The organization and functions of the Rural Electrification Administration are as follows:

Central Organization. The principal office of the Rural Electrification Administration is at Washington, D.C. The function of the Agency is the carrying out of a program of rural electrification and rural telephony, as provided for by the Rural Electrification Act of 1936, as amended (7 U.S.C. 901-15, 921-924).

The Administrator. The Administrator is appointed by the President, with the advice and consent of the Senate, for a term of 10 years. He functions as the chief administrative official of the Agency under the general supervision and direction of the Assistant Secretary, Rural Development and Conservation. He is aided directly by a Deputy Administrator, a Deputy Administrator for Policy and Program Review and Assistant Administrators for the Electric Program, for the Telephone Program, and for Borrower Development. The work is carried on through the offices and divisions described in succeeding paragraphs.

Office of Legislative and Interagency Consultant. This office counsels and advises the Administrator as to policy, program and procedural implications of Federal and State legislation relating to the REA program. Maintains liaison with agencies of the Department of Agriculture and other Government agencies concerning such legislative matters.

Office of Budget. This office administers the administrative and loan budget program of the agency and participates in program planning and evaluation. Maintains liaison on budgetary matters with Congressional Committees, the staff of the Department of Agriculture, the Bureau of the Budget, and other Government agencies.

Office of Program Analysis. This office analyzes and evaluates economic and statistical data concerning agency programs. Provides advice and assistance to the Office of the Administrator and to divisions and area offices to facilitate sound and effective program planning and appraisal. Conducts special program studies and analyses.

Information Services Division. The division administers the information services program of the agency to provide borrowers and the public with information concerning the operations, status, progress, and accomplishments of the rural electrification, rural telephone, and rural areas development programs.

Personnel Management Division. The division administers the personnel pro-

gram of the agency involving classification and wage administration; conduct of organization studies and surveys; development of recommendations for organization changes required to administer agency problems; preparation of organization charts; employment and placement functions; employee relations; training; safety; and health activities.

Program and Administrative Services Division. The division administers agency activities concerned with: administrative and loan accounting and centralized statistical activities of the Agency; the determination of the power requirements of rural electrification borrowers; management analysis, cost reduction and improvement; loan review; and the general administrative service functions of the Agency pertaining to procurement, space, records management and communications.

Electric Distribution Area Offices. The rural electrification program for electric distribution borrowers is administered through five area offices designated as: Northeast Area Office administering the program in the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, Ohio, Michigan, Indiana, West Virginia, Maryland, New Jersey, Virginia, and North Carolina; Southeast Area Office administering the program in the States of Kentucky, Tennessee, Mississippi, Alabama, Georgia, South Carolina, and Florida; North Central Area Office administering the program in the States of North Dakota, South Dakota, Minnesota, Wisconsin, Iowa, and Illinois; Southwest Area Office administering the program in the States of Missouri, Arkansas, Oklahoma, Louisiana, Texas, New Mexico, and Arizona; and Western Area Office administering the program in the States of Kansas, Nebraska, Colorado, Wyoming, Montana, Utah, Idaho, Washington, Oregon, Nevada, and California. Each area office within its assigned geographic area: appraises loan applications and prepares loan recommendations; approves the advance of loan funds to borrowers; reviews the financial and operating performance of borrowers; analyzes engineering plans, specifications, and construction contracts; reviews and approves completed construction; provides advice and assistance to borrowers concerning loans and the design, construction, management, operation, and maintenance of systems.

Electric Operations and Standards Division. The Division administers staff activities pertaining to: The development of proposed policies, standards, and procedures concerning engineering, loans, and retail rate aspects of the rural electric distribution program; the development of standards, criteria, specifications, and technical data relating to rural electric distribution systems; advice and

assistance, in the subject matter field to the Electric Distribution Area Offices and, as requested, to borrowers; liaison with Government and non-Government organizations on matters within the functional responsibility of the Division.

Power Supply Division. The rural electrification program for generation and transmission borrowers is administered through the Power Supply Division. The Division appraises loan applications and prepares loan recommendations; reviews the financial and operating performance of borrowers; analyzes engineering plans, specifications and construction contracts; reviews and approves completed construction; approves advances of funds to borrowers; analyzes feasibility and benefits of generation and transmission systems; provides advice and assistance to borrowers concerning loans and the design, construction, management, operation, and maintenance of systems; and conducts studies and negotiations related to procurement of purchased power for all electric borrowers.

Telephone Area Offices. The rural telephone program is administered through five area offices designated as: Northeast Area Office administering the program in the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, Ohio, Michigan, Indiana, West Virginia, Maryland, New Jersey, Virginia, and North Carolina; Southeast Area Office administering the program in the States of Kentucky, Tennessee, Mississippi, Alabama, Georgia, South Carolina, and Florida; North Central Area Office administering the program in the States of North Dakota, South Dakota, Minnesota, Wisconsin, Iowa, and Illinois; Southwest Area Office administering the program in the States of Missouri, Arkansas, Oklahoma, Louisiana, Texas, New Mexico, and Arizona; and Western Area Office administering the program in the States of Kansas, Nebraska, Colorado, Wyoming, Montana, Utah, Idaho, Washington, Oregon, Nevada, and California. Each area office within its assigned geographic area: appraises loan applications and prepares loan recommendations; reviews the financial and operating performance of borrowers; analyzes engineering plans, specifications, and construction contracts; reviews and approves completed construction; approves advance of funds to borrowers; provides advice and assistance to borrowers concerning loans and the design, construction, management, operation, and maintenance of systems.

Telephone Engineering and Operations Division. The Division administers staff activities pertaining to the development of proposed policies, standards and procedures concerning engineering, loans and technical operations aspects of the rural telephone program. This includes

studies and analyses regarding rates, toll traffic agreements, and valuation and acquisition of facilities; solutions concerning the engineering problems of existing telephone systems; the review of telephone system cost estimates and the engineering requirements of loan applications. Provides advice and assistance to the area offices and, as requested, to borrowers concerning the above activities.

Telephone Standards Division. The Division administers staff engineering activities concerned with the development of standards, criteria, specifications, and technical data relating to rural telephone systems and facilities; provides advice and assistance to agency officials, and, as requested, to borrowers concerning telephone standards; maintains liaison with Government and non-Government organizations on matters concerning the functions of the division.

Borrowers' Financial Management Division. The division administers agency activities concerned with: Borrowers' accounting; borrowers' auditing and examination of borrowers' records; borrowers' insurance; and staff activities concerned with borrowers' management. Provides advice and assistance to agency officials and borrowers concerning these activities.

Rural Areas Development Staff. This staff provides assistance in agency activities and works with other agencies to promote the economic development of rural areas for the purpose of developing the maximum service potential and financial strength of REA borrowers.

Specialist Staff. This staff performs centralized staff activities relative to borrower development including labor relations, architecture, safety, member services, commission regulation and other related functions.

Delegations of authority. Appendix I hereto sets forth the delegations of final authority to officials of the Rural Electrification Administration which have been made by the Administrator.

Submittals, requests, and information. Submittals, requests, and informational inquiries may be made to the Administrator, to any affected officer or organizational subdivision set forth above, or, where applicable, to the officer to whom has been delegated final authority as to the matter involved. The person or organizational subdivision should be addressed at the Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Issued this 17th day of July 1967.

NORMAN M. CLAPP,
Administrator.

[P.R. Doc. 67-8515; Filed, July 21, 1967;
8:48 a.m.]

¹ Filed as part of original document. A copy of this Appendix may be examined in the office of, or obtained in person or by mail from, the Director, Information Services Division, Room 4038, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 627]

KENTUCKY

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of July 1967, because of the effects of certain disasters, damage resulted to residences and business property located in Elizabethtown, Ky.;

Whereas, the Small Business Administration has investigated and received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid Elizabethtown and areas adjacent thereto, suffered damage or destruction resulting from floods occurring on July 9, 1967.

OFFICE

Small Business Administration Regional Office, Fourth and Broadway, Louisville, Ky. 40202.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to January 31, 1968.

Dated: July 13, 1967.

BERNARD L. BOUTIN,
Administrator.

[P.R. Doc. 67-8493; Filed, July 21, 1967;
8:45 a.m.]

[Declaration of Disaster Loan Area 626]

TENNESSEE

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of July 1967, because of the effects of certain disasters, damage resulted to residences and business property located in Oliver Springs, Tenn.;

Whereas, the Small Business Administration has investigated and received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the offices below indicated from persons or firms whose property, situated in the aforesaid Oliver Springs and areas adjacent thereto, suffered damage or destruction resulting from floods occurring on July 11, 1967.

OFFICES

Small Business Administration Regional Office, 500 Union Street, Nashville, Tenn. 37219.

Small Business Administration Branch Office, 301 West Cumberland Building, Knoxville, Tenn. 37902.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to January 31, 1968.

Dated: July 13, 1967.

BERNARD L. BOUTIN,
Administrator.

[P.R. Doc. 67-8494; Filed, July 21, 1967;
8:45 a.m.]

[Declaration of Disaster Loan Area 628]

WYOMING

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of July 1967, because of the effects of certain disasters, damage resulted to residences and business property located in Natrona County, in the State of Wyoming;

Whereas, the Small Business Administration has investigated and received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Deputy Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid County and areas adjacent thereto, suffered damage or destruction resulting from floods and accompanying conditions occurring on July 15, 1967.

OFFICE

Small Business Administration Regional Office, 300 North Center Street, Casper, Wyo. 82601.

2. Applications for disaster loans under the authority of this declaration will